Remarks

This communication is responsive to the Office Action of **November 23, 2005.** Reexamination and reconsideration of **claims 1-49** is respectfully requested.

Summary of The Office Action

Claims 1-49 were rejected under 35 U.S.C. § 112, first paragraph.

Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by new cited Parulski et al. (US 6,567,119 B1).

Claims 1-2, 4-13, 15-25, 27-33, 36-39 and 41-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, and in view of Parulski et al. (US 6,567,119 B1).

Claims 3, 14, 26 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, in view of Parulski et al. (US 6,567,119 B1) AND FURTHER IN VIEW OF Kain, III et al. (US 6,119,118) submitted by applicant.

Claims 34-35 and 48-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, in view of Parulski et al. (US 6,567,119 B1) and further in view of Calia (US 5,450,504) of record.

The Present Claims Patentably Distinguish Over the References of Record

Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US 6,567,119 B1).

Claims 1-2, 4-13, 15-25, 27-33, 36-39 and 41-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, and in view of Parulski et al. (US 6,567,119 B1).

Parulski – US Patent 6,567,119

Parluski is directed to converting an image data format of a digital picture into a standard data format like FlashPix or JPEG file formats (see column 3, lines 14-19; column 8, lines 45-46). The "Summary of the Invention" section at column 3, lines 39-41 describes, "On the host computer, the digital camera data is processed, and a "FlashPix" format image file (or some other "finished" file format) is created." It is well known that FlashPix and JPEG are data formats for individual images. They are not asset organization schemes or structures for organizing a set of files and/or directories. The present claims deal with asset organization schemes and thus Parluski is not directed to the same problem and is not related to the same features of the present application.

The Office Action appears to have interpreted the claim language of "a set of assets" to be the same as the "picture elements" discussed by Parluski (Office Action, page 3, section 4). Applicant assumes the Examiner means "pixel values" when the term "picture elements" is used since Parluski is directed to converting image data to a FlashPix format, which may involve processing pixel data from a digital image. The "picture elements" as described by Parluski relate to a charge-coupled device (CCD) and in particular, "The image sensor 36 includes an array of discrete light sensitive picture elements, e.g., having 750x500 pixels, overlaid with a color filter array (CFA)..." (column 4, lines 32-35). Therefore, the picture elements are actually the photosensitive elements of the CCD. As is well known, the CCD elements are used to create a raw digital image (e.g. pixel values) and are not part of the digital image. Thus one of ordinary skill would clearly understand that the CCD picture elements are not manipulated or processed by the Parluski system and cannot be interpreted as "the set of assets" as used in the present claims.

Using the assumed interpretation that the picture elements of Parluski are "pixel values," the pixels and the processing of the pixels still do not read on the claimed "set of assets." The claims must be read in light of and consistent with the specification. The present specification describes assets as "pictures, movies, audio, metadata and the like..." (specification paragraph [0002]). Furthermore, claim 1 recites that the set of assets are processed using a selected restructuring scheme into a selected organization structure. One of ordinary skill in the art would understand that the claim relates to processing a set of pictures, movies, audio, etc that are organized in one organization structure (e.g. groupings of files, directories, and the like) into a different organization structure (e.g. different groupings of files, directories, and the like). The present claims do not convert pixel data into a different data format as Parluski does.

In the previous response filed 8-31-2005, Applicant addressed the Examiner's interpretation that image data was being converted. For example, the Choi reference relates to converting TV image/text data into bit map data. Applicant pointed out in the last response at the bottom of page 12 that the present claims do not concern converting image data from one format to another data format. This is clear from reading any portion of the present specification. Of course, Applicant is permitted to be his own lexicographer. Applicant amended the claim language to remove this type of interpretation with the claim language of "asset organization structure" and "organization scheme." This more clearly defines that it is the organization of the assets (e.g. organization of a set of files and directories...) that is processed and not the data format that makes the content of an image (e.g. JPEG, bitmap, FlashPix). These are two completely different types of processing techniques and they are clearly understood to be different to those of ordinary skill in the art.

Yet, in the present office action, the newly cited Parluski is applied and Parluski also relates to converting the format of an image just as Choi does. Based on the above discussions, Parluski fails to teach or suggest any of the present claims, individually or in combination of Choi. The claims are addressed as follows.

Independent Claim 1

Claim 1 recites that a set of assets and metadata are received from a digital camera that have been organized by the digital camera into a camera asset organization structure. The method further recites automatically identifying a selected restructuring scheme and using the selected restructuring scheme to convert the camera asset organization structure into a selected organization structure. Paragraphs [0009] to [0012] of the present specification provide some examples that should help understand the context of the present claims.

Regarding the recited "automatically identifying", the Office Action cites to the Summary and column 5, lines 46-62 of Parluski and states that "Parluski discloses the step of selecting "identifying data images to be processed". Applicant fails to see the connection between "selecting identifying data images to be proceed" and the claimed language relating to restructuring schemes. As explained above, Parluski teaches converting image data into a FlashPix format. This type of data conversion has no relation to the restructuring of organization schemes of camera assets. Therefore, Parluski fails to teach or suggest automatically identifying a selected restructuring scheme from a plurality of schemes. Furthermore in then follows that Parluski fails to teach or suggest the claimed "processing" step.

Since each and every claimed element is not taught by Parluski, the § 102 rejection is not supported and should be withdrawn.

§ 103(a) Rejection

Claim 1 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi, and in view of Parulski et al. The Office Action maintained its previous interpretation of Choi, and cites paragraphs [0054] to [0058] that teach converting video or audio data into bitmap data. Choi, in paragraph [0054] clearly states, "...converts each of the received data into bit map data to store in the memory 207." Applicant respectfully repeats that Choi converts one image data type to another data type (e.g. bitmap) and this has nothing to do with the present claims. Interpreting the claims to read on converting video or audio data to bit map data would be inconsistent with the claim scope, inconsistent with the present specification, and not within the

context of the present claims. Thus, this interpretation is improper and does not support a valid 103 rejection.

Since Choi is not related to the present invention, Choi fails to teach or suggest all of the claimed steps of claim 1, not merely that it fails to disclose a digital camera. Thus, Choi's shortcomings go much further. Parluski fails to cure these shortcomings. Although Parluski involves a digital camera, Parluski's similarity to the present claims ends there. For the reasons set forth above, Parluski fails to teach or suggest the claimed features and combining its teachings with Choi still does not teach or suggest the claimed features.

The motivation for combining Choi and Parluski is stated in the Office Action as to "improve the image quality in digital camera system". This motivation has no basis from the references. One of ordinary skill in the art would not be motivated to combine the camera features of Parluski with the TV system of Choi. Applicant fails to see how this would improve the image quality of either system. For this additional reason, the combined references fail to support the rejection.

Since claim 1 recites features not taught or suggested by the references of record, individually or in combination, claim 1 patentably distinguishes over the references of record. Accordingly, dependent claims 2-11 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 12

The Office Action cites Choi paragraphs [0041], [0043], and [0054] to [0058]. Applicant respectfully repeats that these sections all described bit map conversion of data and thus fail to teach or suggest any of the claimed features. As explained previously, Choi is directed to an image display device in a digital TV and converts TV signal data into bit map data. Choi is not concerned with assets from digital cameras, matching organization schemes, or processing organization schemes from digital cameras. Simply using Parluski's digital camera also fails to

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cure the shortcomings of Choi since Parluski fails to teach or suggest the recited features of claim 12.

Since claim 12 recites features not taught or suggested by the references of record, claim 12 patentably distinguishes over the references of record. Accordingly, dependent claims 13-21 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 22

Claim 22 is directed to a digital camera system for processing a camera-specific organization scheme of digital image assets into a non-camera specific organization format.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of Parluski and cites to the same sections of Choi and Parluski as applied to claim 12.

As explained previously, the purpose of Choi is to convert TV signal data into bit map data. Thus, Choi is not concerned with camera-specific organization schemes, matching organization schemes to a selected asset organization normalizer, or organizing digital image assets of a digital camera into a non-camera specific organization format. As such, Choi fails to teach or suggest the elements of a comparison component or an asset-processing component as recited in claim 22.

As further example previously, Parluski teaches converting image data to a standard format of FlashPix. Parluski has nothing to do with and fails to teach or suggest re-organizing or normalizing assets as is consistent with the claim scope and specification. Thus, Parluski fails to cure the shortcomings of Choi and the rejection is not supported.

Therefore, claim 22 recites features not taught or suggested by the references of record, individually or in combination. Thus, claim 22 patentably distinguishes over the references of record. Accordingly, dependent claims 23-35 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 36

Claim 36 recites a computer-readable medium containing instructions for processing a collection of digital image assets from a digital camera that are organized in a first organization format based on an asset organization scheme into a second organization format. Based on the previous explanations of Choi and Parluski, Applicant respectfully requests reexamination of amended claim 36. Applicant believes the elements of claim 36 are not taught or suggested and the rejection should be withdrawn.

Thus, claim 36 patentably distinguishes over the reference of record and is in condition for allowance. Accordingly, dependent claims 37-49 also patentably distinguish over the references and are in condition for allowance.

Dependent Claim § 103 Rejections

The Choi and Parluski references form the basis of all dependent claim rejections. Since it has been shown that Choi and Parluski are unrelated to the present invention and fail to teach or suggest the claimed components, the dependent claims are thus not taught or suggest by Choi and Parluski. The serious shortcomings of Choi and Parluski are not cured by any of the other references of record.

Accordingly, all dependent claims patentably distinguish over the references of record and are in condition for allowance.

The references cited but not applied have been considered and do not teach or suggest the recited features of the respective claims, individually or in combination with other references. Therefore, all claims are in condition for allowance.

Non-Art Rejections

§ 112, first paragraph, Rejection

Claims 1-49 were rejected under 35 U.S.C. § 112, first paragraph, because claim 1 recites "a selected restructuring scheme" and "a selected organization structure". Claims 12, 22, and 36 were rejected because of the terms "organization scheme" and "organization normalizer" and "non-camera specific organization format."

Paragraph [0009] discloses that cameras "store the digital data/assets using camera-specific organization" and that "a scheme" can be identified and used to process the assets "into a standard structure." This paragraph, along with the entire specification, teaches that the files of a digital camera are organized based on the camera's specific organization and that a scheme (e.g. "reorganization scheme") is identified that changes the organization to a standard organization (e.g. "a selected organization structure"). Changing a "camera-specific organization" to a standard organization means that it is changed into a "non-camera specific organization." Therefore, this supports the claimed term of "non-camera specific organization format". This also supports the generic term of "a selected organization structure." (e.g. "identifying" supports "selecting").

Paragraph [0013] describes an example in terms of "structured" and "restructured" organizations as follows (underlining added for emphasis):

[0013] The output of the asset normalization process may be in a number of forms, including a <u>restructured</u> set of files and directories of the original assets, a set of duplicate files and directories <u>restructured</u> into normalized form, or a manifest and index of the original assets that is <u>structured</u> and annotated to represent the assets in a normalized form without duplicating or modifying the original data.

Paragraph [0027] describes another embodiment where the organization structure is converted (e.g. restructured) using an asset normalizer. Thus, Applicant believes this supports the term "organization normalizer" as follows:

[0027] In an embodiment of the present invention, a collection of asset normalizers may be assembled that identify patterns by patterns of file and directory

names and camera metadata for which they are designed. A set of available asset normalizers is matched against the unknown digital camera assets, and the asset normalizer with the best pattern match is selected. Then, the selected asset normalizer converts the given collection into a standard structure for processing.

Therefore, Applicant believes that the claimed terms "a selected restructuring scheme", "a selected organization structure", "organization scheme", "organization normalizer", and "non-camera specific organization format" are supported by the present specification. All claims are believed to fully comply with 35 U.S.C. § 112 requirements.

35 U.S.C. § 112, second paragraph, Rejection

Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
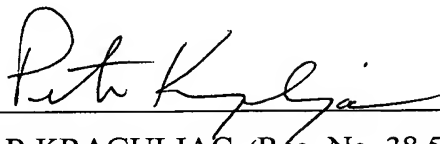
Applicant believes that claim 1 is clear and definite. It recites that the assets of a camera are organized into "a camera asset organization structure." Then a "selected restructuring scheme" is identified and the selected restructuring scheme is used "to convert the camera asset organization structure into a selected organization structure." Thus, claim 1 recites that the asset organization of a camera is converted to a different organization structure using a restructuring scheme. Applicant believes there is nothing indefinite about claim 1. Furthermore, when the claims are read in light of the specification, one of ordinary skill in the art would find no issues concerning indefiniteness.

Thus, Applicant believes claims 1-12 fully comply with all requirements of 35 U.S.C. §112.

Conclusion

For the reasons set forth above, **claims 1-49** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

PETAR KRAGULJAC (Reg. No. 38,520)
(216) 348-5843